

5/9/16

4:02 p.m.

Chapter No. 40  
16/SS26/A549SG  
LR 1/15/16

## ***SENATE BILL NO. 2877***

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2877

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS FOR  
FISCAL YEAR 2017.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following sum, or so much thereof as may be  
necessary, is hereby appropriated out of any money in the State  
General Fund not otherwise appropriated, for the support and  
maintenance of the Mississippi Department of Corrections for the  
fiscal year beginning July 1, 2016, and ending June 30, 2017 .....

.....	\$	326,079,680.00.
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**SECTION 2.** The following sum, or so much thereof as may be  
necessary, is hereby appropriated out of any money in the special  
fund in the State Treasury to the credit of the Mississippi  
Department of Corrections which is collected by or otherwise  
becomes available for the purpose of defraying the expenses of the  
department, for the fiscal year beginning July 1, 2016, and ending  
June 30, 2017 .....

.....	\$	31,332,451.00.
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SECTION 3. Of the funds appropriated under the provisions of Sections 1 and 2, not more than the amounts set forth below shall be expended:

CENTRAL OFFICE

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds .....	\$	52,245,807.00
Special Funds .....		<u>9,838,814.00</u>
Total .....	\$	62,084,621.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	204
	Part Time .....	2
Time-Limited:	Full Time .....	8
	Part Time .....	0

FARMING OPERATIONS

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds .....	\$	0.00
Special Funds .....		<u>2,782,716.00</u>
Total .....	\$	2,782,716.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	12
	Part Time .....	0

Time-Limited:	Full Time .....	0
	Part Time .....	0

#### PAROLE BOARD

Of the funds appropriated under the provisions of this act,  
the following funding and positions are authorized:

##### FUNDING:

General Funds .....	\$	695,202.00
Special Funds .....		<u>0.00</u>
Total .....	\$	695,202.00

##### AUTHORIZED POSITIONS:

Permanent:	Full Time .....	8
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

#### PRIVATE PRISONS

Of the funds appropriated under the provisions of this act,  
the following funding and positions are authorized:

##### FUNDING:

General Funds .....	\$	74,642,441.00
Special Funds .....		<u>0.00</u>
Total .....	\$	74,642,441.00

##### AUTHORIZED POSITIONS:

Permanent:	Full Time .....	0
	Part Time .....	0
Time-Limited:	Full Time .....	0

Part Time ..... 0

#### MEDICAL SERVICES

Of the funds appropriated under the provisions of this act,  
the following funding and positions are authorized:

##### FUNDING:

General Funds .....	\$	61,758,880.00
Special Funds .....		<u>0.00</u>
Total .....	\$	61,758,880.00

##### AUTHORIZED POSITIONS:

Permanent:	Full Time .....	0
	Part Time .....	0
Time-Limited:	Full Time .....	2
	Part Time .....	0

#### REGIONAL FACILITIES

Of the funds appropriated under the provisions of this act,  
the following funding and positions are authorized:

##### FUNDING:

General Funds .....	\$	37,287,305.00
Special Funds .....		<u>0.00</u>
Total .....	\$	37,287,305.00

##### AUTHORIZED POSITIONS:

Permanent:	Full Time .....	0
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

### LOCAL CONFINEMENT

Of the funds appropriated under the provisions of this act,  
the following funding and positions are authorized:

#### FUNDING:

General Funds .....	\$	5,462,134.00
Special Funds .....		<u>0.00</u>
Total .....	\$	5,462,134.00

#### AUTHORIZED POSITIONS:

Permanent:	Full Time .....	0
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

### COMMUNITY CORRECTIONS

Of the funds appropriated under the provisions of this act,  
the following funding and positions are authorized:

#### FUNDING:

General Funds .....	\$	15,395,589.00
Special Funds .....		<u>15,774,855.00</u>
Total .....	\$	31,170,444.00

#### AUTHORIZED POSITIONS:

Permanent:	Full Time .....	597
	Part Time .....	0
Time-Limited:	Full Time .....	87
	Part Time .....	0

### CENTRAL MISSISSIPPI CORRECTIONAL

Of the funds appropriated under the provisions of this act,  
the following funding and positions are authorized:

FUNDING:

General Funds .....	\$	26,703,163.00
Special Funds .....		<u>617,500.00</u>
Total .....	\$	27,320,663.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	663
	Part Time .....	2
Time-Limited:	Full Time .....	10
	Part Time .....	0

**PARCHMAN**

Of the funds appropriated under the provisions of this act,  
the following funding and positions are authorized:

FUNDING:

General Funds .....	\$	35,009,460.00
Special Funds .....		<u>1,350,831.00</u>
Total .....	\$	36,360,291.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	894
	Part Time .....	10
Time-Limited:	Full Time .....	12
	Part Time .....	0

**SOUTH MISSISSIPPI CORRECTIONAL**

Of the funds appropriated under the provisions of this act,  
the following funding and positions are authorized:

FUNDING:

General Funds .....	\$	16,879,699.00
Special Funds .....		<u>967,735.00</u>
Total .....	\$	17,847,434.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	431
	Part Time .....	0
Time-Limited:	Full Time .....	2
	Part Time .....	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2018 do not exceed Fiscal Year 2017 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2017 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2017 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at

the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2017 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

Any funds expended over Fiscal Year 2016 levels for individual personnel services shall be utilized for the hiring, compensation, and retention of members of the Correctional Officer Class and the Probation/Parole Agent Class. Of those new

expenditures, Community Corrections shall have priority. Any new hires within the Central Office shall be to fill vacancies created within the last fiscal year or the current fiscal year.

No personnel action of the Mississippi Department of Corrections as it relates to "Personal Services" and/or "Salaries, Wages and Fringe Benefits" shall be subject to the limitations of the Variable Compensation Plan (VCP) of the Mississippi State Personnel Board during the one-year period beginning July 1, 2016.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

**SECTION 4.** None of the funds appropriated under the provisions of Sections 1 and 2 of this act may be expended by the Department of Corrections after September 1, 2016, until the Commissioner of Corrections, on behalf of the State of Mississippi, has submitted an application to the United States Secretary of Homeland Security to participate in the Criminal Alien Program of the United States Immigration and Customs Enforcement, in order to identify criminal aliens who are incarcerated in state correctional facilities and ensure that they are not released into the community by securing a final order of removal that deports the aliens back to their home countries before the termination of their sentences.

SECTION 5. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2017
<u>Performance Measures</u>	<u>Target</u>
General Administration	
Support as a Percent of Total Budget	4.65
MDOC Custody Population per 100,000	
MS Residents	630
Average Annual Incarceration Cost	
per Inmate (\$)	45.07
Percent of Offenders Returning to	
Incarceration within 3 yrs of Release (%)	33.00
Farming Operations	
Annual Income from Farm Sales	1,800,000.00
Parole Board	
Number Paroled (Offenders)	5,595
Private Prisons	
Adult Basic Education Program (Num of Slots)	387
Vocational Education Program (Num of Slots)	250
Alcohol and Drug Program (Num of Slots)	360

Medical Services

Number of Inmate Days in Hospital	3,691
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Regional Facilities

Adult Basic Education Program (Num of Slots)	382
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Vocational Education Program (Num of Slots)	486
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Alcohol and Drug Program (Num of Slots)	513
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Evidenced-Based Intervention

Recidivism Rate for Inmates who complete the Adult Basic Education Program	35.00
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Recidivism Rate for Inmates who complete the Vocational Education Program	20.00
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Recidivism Rate for Inmates who complete the Alcohol and Drug Program	33.20
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Percent of Offenders Possessing GED Certificate or High School Diploma at the Time of Release (%)	58.00
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Percent of Offenders Obtaining Marketable Job Skills During Incarceration (%)	4.00
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Probation/parole

Recidivism Rate within 12 Months of Release Field Supervision	13.23
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Recidivism Rate within 36 Months of Release Field Supervision	26.44
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Community Work Centers

Recidivism Rate within 12 Months of Release	19.20
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Recidivism Rate within 36 Months of Release	43.87
Restitution Centers	
Recidivism Rate within 12 Months of Release	20.81
Recidivism Rate within 36 Months of Release	32.98
Local Confinement	
Total Number of Inmates Housed in	
County Jails (Inmate Days)	269,735
Institutional Security	
Number of Assaults on Inmates per 100	
Inmates	0.08
Number of Assaults on Officers per 100	
Inmates	0.21
Number of Inmates to Officers (Ratio)	7.00
Youthful Offender School	
Recidivism Rate for Youthful Offenders	46.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2018.

**SECTION 6.** Of the funds appropriated in Sections 1 and 2, none shall be expended for personnel housing under the jurisdiction of the Department of Corrections unless the department shall collect a reasonable rent, after a finding of fact as to what is a reasonable rent, and/or the cost of utilities furnished to said housing. The Department of Corrections shall

not pay for the installation or monthly service of any telephone installed in a staff residence under its jurisdiction.

It is further the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state-furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane and cable services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state-furnished housing shall include single-family and multifamily residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

**SECTION 7.** Of the funds appropriated in Sections 1 and 2, and authorized for expenditure in Section 3, payment may be authorized for court-ordered attorney fees and any accrued interest subject to the approval of the Office of the Attorney General.

**SECTION 8.** None of the money herein appropriated shall be paid to any person who by the provision of Section 47-5-47, Mississippi Code of 1972, as amended, is prohibited from being an employee of the Mississippi Department of Corrections. The State Department of Finance and Administration shall at least annually make a report to the Joint Legislative Committee on Performance Evaluation and Expenditure Review and to the Attorney General stating the name of any person prohibited under the provisions of

Section 47-5-47, Mississippi Code of 1972, as amended, from being an employee of the Mississippi Department of Corrections who has during the preceding year received any money herein appropriated. In the event that any such person prohibited as hereinabove provided from receiving funds herein appropriated should receive any of said funds, the Attorney General shall immediately commence action to recover the monies so paid to said person and to enjoin the further employment of said person at the Mississippi Department of Corrections.

**SECTION 9.** It is the intent of the Legislature that all prisoners at Parchman shall work a minimum of eight (8) hours per day, excluding prisoners with a physical disability or those incarcerated in maximum security.

**SECTION 10.** It is the intention of the Legislature that the per diem rates paid to regional facilities shall not exceed Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate. All regional facilities shall continue to receive the annual three percent (3%) increase in the per diem rate as authorized in Section 47-5-933, Mississippi Code of 1972, however, in no event shall any regional facility's per diem rate exceed Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.

**SECTION 11.** The department or its contracted medical provider will pay to a provider of a medical service for any and all incarcerated persons from a correctional or detention facility an amount based upon negotiated fees as agreed to by the medical

care service providers and the department and/or its contracted medical provider. In the absence of a negotiated discounted fee schedule, medical care service providers will be paid by the department or its contracted medical service provider an amount no greater than the reimbursement rate applicable based on the Mississippi Medicaid reimbursement rate. This limitation applies to all medical care services, durable and nondurable goods, prescription drugs and medications provided to any and all incarcerated persons outside of the correctional or detention facility. None of the monies appropriated herein may be used to pay for cosmetic medical procedures for any prisoner. Cosmetic medical procedure means any medical procedure performed in order to change an individual's appearance without significantly serving to prevent or treat illness or disease or to promote proper functioning of the body.

**SECTION 12.** It is the intention of the Legislature that the Commissioner of the Mississippi Department of Corrections shall have the authority to transfer cash from one special fund treasury fund to another special fund treasury fund under the control of the Department of Corrections. The purpose of this authority is to more efficiently use available cash reserves. It is further the intention of the Legislature that the Department of Corrections shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and

Administration on or before the fifteenth of the month prior to the effective date of the transfer.

**SECTION 13.** The Commissioner of the Mississippi Department of Corrections is hereby authorized to transfer spending authority between and within budgets, both positions and funds, in an amount not to exceed twenty-five percent (25%) of the authorized budgets in the aggregate. It is further the intention of the Legislature that the Department of Corrections shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer. However, no transfers shall be authorized which increase the major object of expenditure "Salaries, Wages and Fringe Benefits" in any budget authorized in Section 3 of this act.

**SECTION 14.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

**SECTION 15.** It is the intention of the Legislature that all funds held by the Inmate Welfare Fund be placed in a treasury fund

effective July 1, 2016. Of the amounts appropriated in Section 2, an amount not exceeding Three Million Dollars (\$3,000,000.00) shall be available for expenditure in the Inmate Welfare Fund.

**SECTION 16.** It is the intention of the Legislature that the Mississippi Department of Corrections shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2016. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2018 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2017 budget request process.

**SECTION 17.** It is the intention of the Legislature for the Mississippi Department of Corrections to manage funds budgeted and allocated. In so doing, the commissioner of the department shall have the authority to amend, extend and/or renew the term of any lease agreement or any inmate housing agreement in connection with a correctional facility. Notwithstanding any statutory limits to the contrary, such amendment, extension and/or renewal may be for a length of time up to and including ten (10) years as is necessary for the continued operations of such facilities and implementation of the department's duties and responsibilities in accordance with Title 47 of the Mississippi Code of 1972, as amended.

**SECTION 18.** With the funds herein appropriated, it is the intent of the Legislature that upon vouchers submitted by the board of supervisors of any county housing offenders in county jails pending a probation or parole revocation hearing, the department shall pay the reimbursement costs as provided for in Section 47-5-901(3)(b), Mississippi Code of 1972, as amended by House Bill No. 585, 2014 Regular Session.

**SECTION 19.** With the funds herein appropriated, it is the intent of the Legislature, that for Fiscal Year 2017, the Department of Corrections shall reimburse municipalities, up to Twenty Dollars (\$20.00) a day, for the cost incurred of housing inmates in any jail facility based on time served for the conviction of larceny, shoplifting, or related convictions where the value of the property taken is Five Hundred Dollars (\$500.00) or more but is equal to or less than One Thousand Dollars (\$1,000.00). A copy of the court abstract of record and the jail docket shall be provided to show the total number of days an individual was incarcerated in said jail facility. The reimbursement shall be payable back to the municipality upon receipt of required documentation and an invoice. Total reimbursements resulting from this section shall not exceed One Hundred Twenty-five Thousand Dollars (\$125,000.00).


**SECTION 20.** Of the funds appropriated under the provisions of Section 2, funds may be expended to defray the costs of clothing for sworn nonuniform law enforcement officers in an

amount not to exceed One Thousand Dollars (\$1,000.00) annually per officer.

**SECTION 21.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

**SECTION 22.** This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE SENATE  
April 18, 2016

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 18, 2016

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

May 9, 2016  
4:02pm